

18. (Amended) The apparatus of claim 16, further comprising means for adjusting the focus of the eye piece.

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coil

19. (Amended) The apparatus of claim 15 wherein said ultraviolet light is generated by a blue LED.

20. (Amended) The apparatus of claim 19, wherein said fiber optic cable is encased in a flexible housing.

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### **REMARKS**

#### **Status of the Claims**

The Office Action dated December 18, 2002 has been received and its contents carefully considered. Claims 1-20 are pending. Claims 1-20 have been rejected. Claims 1, 3, 6, 8, 11, and 15-20 have been amended.

Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

#### **Office Action**

The drawings were rejected under 37 C.F.R. §1.83(a). Figure 1 has been amended to include the "an object" 24 as claimed. It is believed that the drawing is now in compliance.

Claims 1-3, 5-6 and 8-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Tamburrino (U.S. Patent No. 5,202,758). Tamburrino discloses a florescent bore-scope including a primary ultraviolet light source and a secondary visible light source. Tamburrino's bore-scope system further includes a housing 12 which contains conventional electronics for

video processing and for interaction with an operator via the keyboard 13. Hence, Tamburrino views objects by using a display unit 21 and a computer for image processing and interaction with an operator. Furthermore, the Examiner considers the video processing and conventional electronics contained within the housing 12, the display unit 21 and the computer for image processing as corresponding to the claimed eyepiece in the present invention.

However, claim 1 recites “an eyepiece having an eyepiece lens connected to a second end of said fiber optic cable” in order to view an object. Additionally, the method claim 8 recites “viewing the object through an eyepiece having an eyepiece lens.” Furthermore, claim 15 recites a “means for viewing the object through an eyepiece having an eyepiece lens”. Thus, the structural requirements of an eyepiece lens being used to view the object as recited in the present invention is all together different than that of Tamburrino which does not disclose nor support viewing through an eyepiece having an eyepiece lens. This is further confirmed by the reference to eyepiece lens 14 in the specification. Tamburino does not teach the use of an eyepiece lens or combination of lenses in its structural set up to view objects through the bore-scope.

For anticipation under 35 U.S.C. §102 the reference must teach every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present (M.P.E.P. 706.02). Since each and every element, as set forth in the claim, is not found either expressly or inherently described as required by the M.P.E.P, Tamburrino can not be said to anticipate the present invention as claimed. Hence, withdrawal of the rejection is respectfully required.

Claims 4 and 7 where rejected under 35 U.S.C §103(a) as being unpatentable over Tamburrino and in view of Lobb et al. (U.S. Patent No. 5,045,936). Claims 4 and 7 ultimately depend from claim 1 and are patentable over the cited prior art for the rationale as is claim 1.

Lobb et al. does not cure the deficiencies of Tamburrino because, *inter alia*, it does not provide an eyepiece as claimed.

In accordance with the M.P.E.P. §2143.03, to establish a *prima facie* case of obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re: Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). “All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re: Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494 196 (CCPA 1970). Since all the claim limitations or not taught or suggest by Tamburrino, alone or in combination with Lobb et al., withdrawal of the rejection is respectfully requested.

In view of the foregoing, reconsideration and allowance of the application are believed in order and such action is earnestly solicited.

Should the Examiner believe that a telephone conference would expedite issuance of the application, the Examiner is respectfully invited to telephone the undersigned Patent Agent at 202-861-1538.

Respectfully submitted,

BAKER & HOSTETLER LLP

A handwritten signature in black ink, appearing to read 'Marc W. Butler', with a long horizontal flourish extending to the right.

Marc W. Butler  
Reg. No. 50,219

Attachment:

Petition for One-Month Extension of Time  
Appendix  
Request for Approval of Drawing Corrections  
w/FIG. 1

**Date: April 18, 2003**

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**APPENDIX**

**VERSION WITH MARKINGS SHOWING CHANGES MADE**

**IN THE SPECIFICATION**

Page 6, paragraph [0018]:

[0018] In order to operate the flexible viewing scope device 10, the flexible viewing scope 22 is positioned in front of objects 24 to be viewed. By depressing the switch 16 for the white light source, light is transmitted through the fiber optic cable unit 20 to the flexible viewing scope 22. The light then illuminates objects 24 in front of the flexible viewing scope 22. Light reflecting from the object 24 is then transmitted through the flexible viewing scope 22 to the eyepiece lens 14 through the fiber optic cable unit 20.

Page 6-7, paragraph [0020]:

[0020] In order to accommodate for differences in the distance of objects to the flexible viewing scope, and thus differences in the focal length, the eyepiece lens is adjustable to bring objects 24 in front of the flexible viewing scope 22 into focus in the eyepiece lens 14. Focus of the eyepiece lens 14 can be done manually by rotating an outer cylindrical portion of the eyepiece lens having a threaded inner surface about an inner cylindrical portion of the eyepiece lens having a threaded outer portion. Focusing of the image can also be performed using autofocus drive systems. Such focus systems are well understood and need not be described in detail here.

Page 7, paragraph [0021]:

[0021] In a preferred embodiment of the invention, the white light source is a white LED. It should be understood, however, that the white light source can be provided by any type of bulb that emits white light including halogen bulbs. Similarly, the user can depress the switch 18 for the blue/black light source to illuminate objects 24 in front of the flexible viewing scope 22 with the blue/black light. The light reflected from objects are transmitted through the fiber optic cable to the eyepiece 14.

Page 9, paragraph [0028]:

[0028] In an alternate embodiment the eyepiece can be replaced with a CCD camera and LCD color display screen. A blue LED, as described above, will be provided in the device with a switch for turning the blue LED on and off. Objects 24 in front of the flexible viewing scope will be displayed on the LCD screen and any leaks in the system being detected will be readily apparent.

### **IN THE CLAIMS**

Claims 1, 3, 6, 8, 11, and 15-20 have been amended.

1. (Amended) A flexible viewing scope apparatus, comprising:
  - a flexible viewing scope connected to a first end of a fiber optic cable;
  - an [eye piece]eyepiece having an eyepiece lens connected to a second end of said fiber optic cable; and
  - a source of ultraviolet light provided at the second end of said fiber optic cable;wherein said fiber optic cable is encased in a flexible arm.

3. (Amended) The apparatus of claim 2, wherein said [eye piece]eyepiece can be focused.

6. (Amended) The apparatus of claim 5, wherein said [eye piece]eyepiece can be focused.

8. (Amended) A method of leak detection, comprising the steps of:  
illuminating an object with an ultraviolet light;  
viewing the object through an eyepiece having an eyepiece lens with a flexible viewing scope through a fiber optic cable connected at a first end to the flexible viewing scope and at a second end to [an eye piece]said eyepiece.

11. (Amended) The method of claim 9, further comprising the step of adjusting the focus of the [eye piece]eyepiece.

15. (Amended) A flexible viewing scope apparatus, comprising:  
means for illuminating an object with an ultraviolet light;  
means for viewing the object through an eyepiece having an eyepiece lens with a flexible viewing scope through a fiber optic cable connected at a first end to the flexible viewing scope and at a second end to [an eye piece]said eyepiece.

16. (Amended) The apparatus of claim 15, wherein said fiber optic cable is encased in a flexible housing.

17. (Amended) The apparatus of claim 16, further comprising means for illuminating the object with a white light.

18. (Amended) The apparatus of claim 16, further comprising means for adjusting the focus of the eye piece.

19. (Amended) The apparatus of claim 15, wherein said ultraviolet light is generated by a blue LED.

20. (Amended) The apparatus of claim 19, wherein said fiber optic cable is encased in a flexible housing.

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